

1144
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC - 6 2011

By _____

Clerk

Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Subcase No.: 37-20936

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

J. Evan Robertson 11/28/11
Date
Attorney for Eccles Window Rock Ranch

IDWR CONCURRENCE:

Douglas Jones 11/3/11
Date
Technical Engineer 1

IDWR CONCURRENCE:

Nicholas B. Spencer 11-4-11
Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20936

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER

Tributary: MALAD RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T01N R18E S2 Lot 1 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.600 CFS

PLACE OF USE:

IRRIGATION within BLAINE County

~~T01N R18E S02 NE1/4 11.0~~

T01N R18E S02 Lot 1 NE1/4 17.0

~~T01N R18E S02 NW1/4 9.5~~

T01N R18E S02 Lot 2 NW1/4 9.5

~~T01N R18E S02 SE1/4 11.0~~

T01N R18E S02 SE1/4 14.0

40.5 ACRES TOTAL ~~30.8 ACRES TOTAL~~

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 50.8 acres in a single irrigation season.~~

~~Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreased

Source is known locally as the Broadford Slough.

The point of diversion is located in Lot 3 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

This right is a split from former right 37-315B.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

DX

NBS

GA

CERTIFICATE OF SERVICE

I certify that on December 6, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

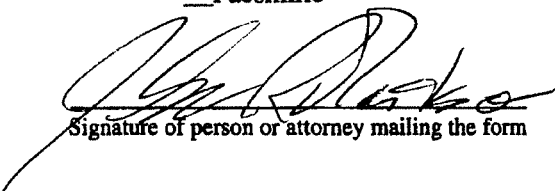
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303-1906

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form